

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Giovannoni

Report Number COA2024-103

Public Meeting

Meeting Date: October 24, 2024

Time: 1:00 pm

Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 1 – Geographic Township of Dalton

Subject: The purpose and effect is to facilitate the demolition of the existing detached garage and the construction of a new detached garage.

Relief sought:

1. Section 14.1 b) of the Zoning By-law provides that an accessory building shall only be erected in a side or rear yard; the proposed garage is to be located in the front yard.

The variance is requested at **15 Rumohr Drive** (File D20-2024-095).

Author: Katherine Evans, Senior Planner

Signature: 

Recommendations

That Report COA2024-103 – Giovannoni, be received;

That minor variance application D20-2024-095 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-103, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This

condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2024-103. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	The demolition of the existing detached garage and the construction of a new detached garage
Owners:	Salvatorina and Andrea Giovannoni
Applicant:	Marco DiTommaso
Legal Description:	Part Lot 29, Concession 3 (being Lot 15 on Plan 332)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Three (RR3) Zone (Township of Dalton Zoning By-law 10-77)
Site Size:	2,266 sq. m. (24,391.02 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Individual private well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential, commercial, agricultural, and community facility

Rationale

The variance is desirable for the appropriate development or use of the land, building or structure.

The subject property is within an established neighbourhood that contains residential, commercial, agricultural, and community facility uses. The neighbouring property to the north is residential, and the neighbouring property to the south is the Dalton Community Centre and Library. The subject property is located on the northeastern shore of Young Lake, is irregular in shape, and is a waterfront lot. The property currently contains a single detached dwelling constructed in 2020, a shed, and a detached garage. The detached garage is to be removed.

¹ See Schedule 1

² See Schedule 1

The proposal is to demolish the existing detached garage and construct a new detached garage in the same location. The existing garage is approximately 20 square metres in size and the new garage is to be 80 square metres. The new garage will provide additional parking and storage space to better accommodate the property owners' possessions and vehicles.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

The variance maintains the general intent and purpose of the Official Plan.

The subject property is designated Waterfront under the City of Kawartha Lakes Official Plan (2012). Low-density residential uses and buildings and structures accessory to residential uses are permitted in the Waterfront designation. Performance and siting criteria is implemented through the Zoning By-Law.

Therefore, the variance is considered to maintain the general intent and purpose of the Official Plan.

The variance maintains the general intent and purpose of the Zoning By-law.

The subject property is zoned Rural Residential Type Three (RR3) Zone under the Township of Dalton Zoning By-law 10-77. A single detached dwelling as well as accessory buildings and structures are permitted within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of the permitted location for an accessory structure.

Section 14.1 b) of the Zoning By-law provides that an accessory building shall only be erected in a side or rear yard. The proposed detached garage is to be located in the front yard. The intent of limiting the location of accessory structures to the side or rear yard is to ensure accessory uses remain subordinate to the primary use by being located in less visible areas on the property. Locating accessory structures in the interior side or rear yard also ensures there is adequate amenity space in the front yard, and the property is in keeping with the character of the rest of the neighbourhood.

For comparative purposes, the majority of the City's other rural Zoning By-laws permit detached garages in the front yard when a property fronts on a navigable waterway. The Township of Dalton Zoning By-law only permits accessory structures in the side or rear yard, regardless of whether a property is located on the water. Additionally, the Rural Zoning By-law (while not currently in effect) also permits a detached garage in the front yard when a property fronts on a navigable waterway.

The proposed garage complies with the maximum height for accessory structures, as well as all applicable setbacks. The proposed location also exceeds the minimum front yard setback. The existing dwelling is larger than the proposed garage, ensuring the residential use remains the visually predominant use on the property. Additionally, the area between the front lot line and the proposed garage location is heavily vegetated, providing a visual buffer between the garage and the road.

The subject property is approximately 79 metres deep, and dwelling is setback approximately 40 metres from the front lot line, resulting in a large front yard. The garage being located in the front yard will still leave adequate front yard amenity space. Additionally, several other properties in this area have garages in the front yard, so the proposal is in keeping with the existing built form.

Therefore, the variance is considered to maintain the general intent and purpose of the Zoning By-Law.

The variance is minor in nature.

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

Other Alternatives Considered:

No alternatives considered.

Consultation Summary

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Agency Comments:

Engineering and Corporate Assets Division: “From a Development engineering perspective, we have no comments or objections for this Minor Variance application.”

Building and Septic Division (Septic): “A sewage system use permit has been located for the property. The report indicates that the sewage system is located in the roadside yard of the dwelling. The replacement detached garage will be located in the roadside yard. The location of the sewage system has been reviewed with the proposed garage, the garage will not encroach on the minimum clearance distance requirements for the sewage system. Additionally, the garage will not contain any plumbing or habitable space. As such, the Building and Septic Division have no concerns with the minor variance proposal as it relates to private on-site sewage disposal.”

Building and Septic Division (Building): “No comments.”

Public Comments:

No comments received as of the writing of the staff report.

Attachments

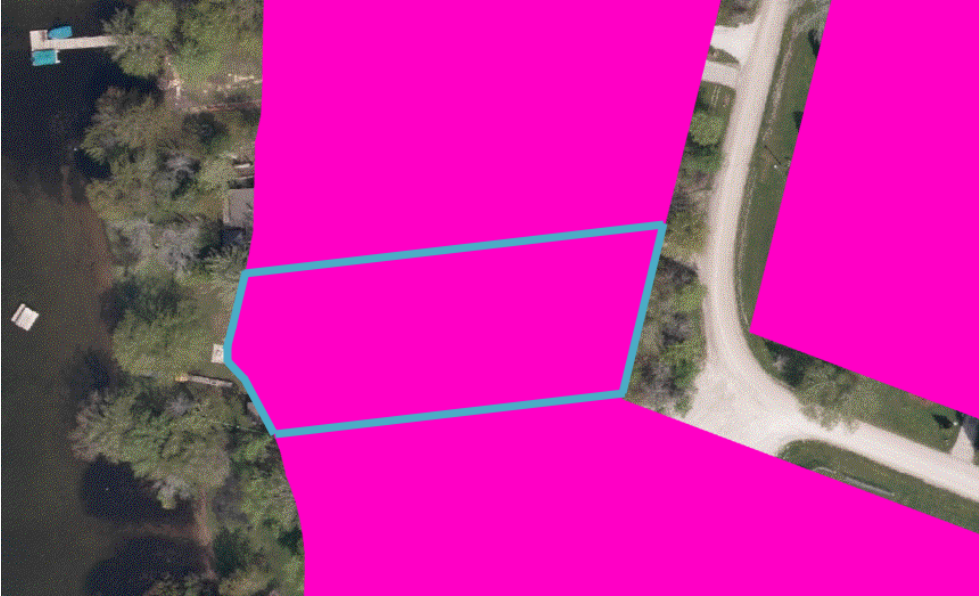
Appendix A – Location Map

Appendix B – Aerial Photo
Appendix C – Applicant’s Sketch

Phone: 705-324-9411 extension 1883
E-Mail: kevans@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-095

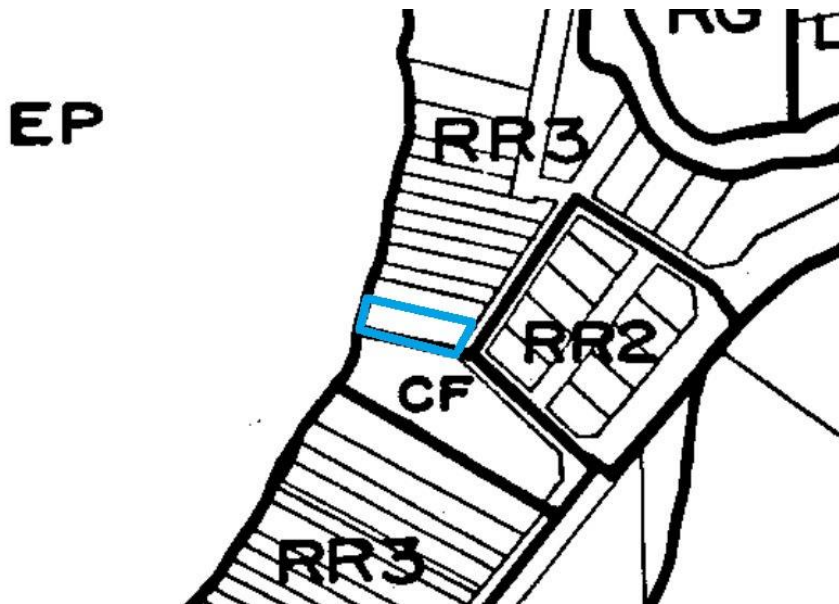
Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



20. Waterfront Designation

Township of Dalton Zoning By-law 10-77



Section 5

5.1 RR3 Uses Permitted

5.2 RR3 Zone Requirements

Section 14 General Provisions

14.1 Accessory Buildings, Structures and Uses

b) Location

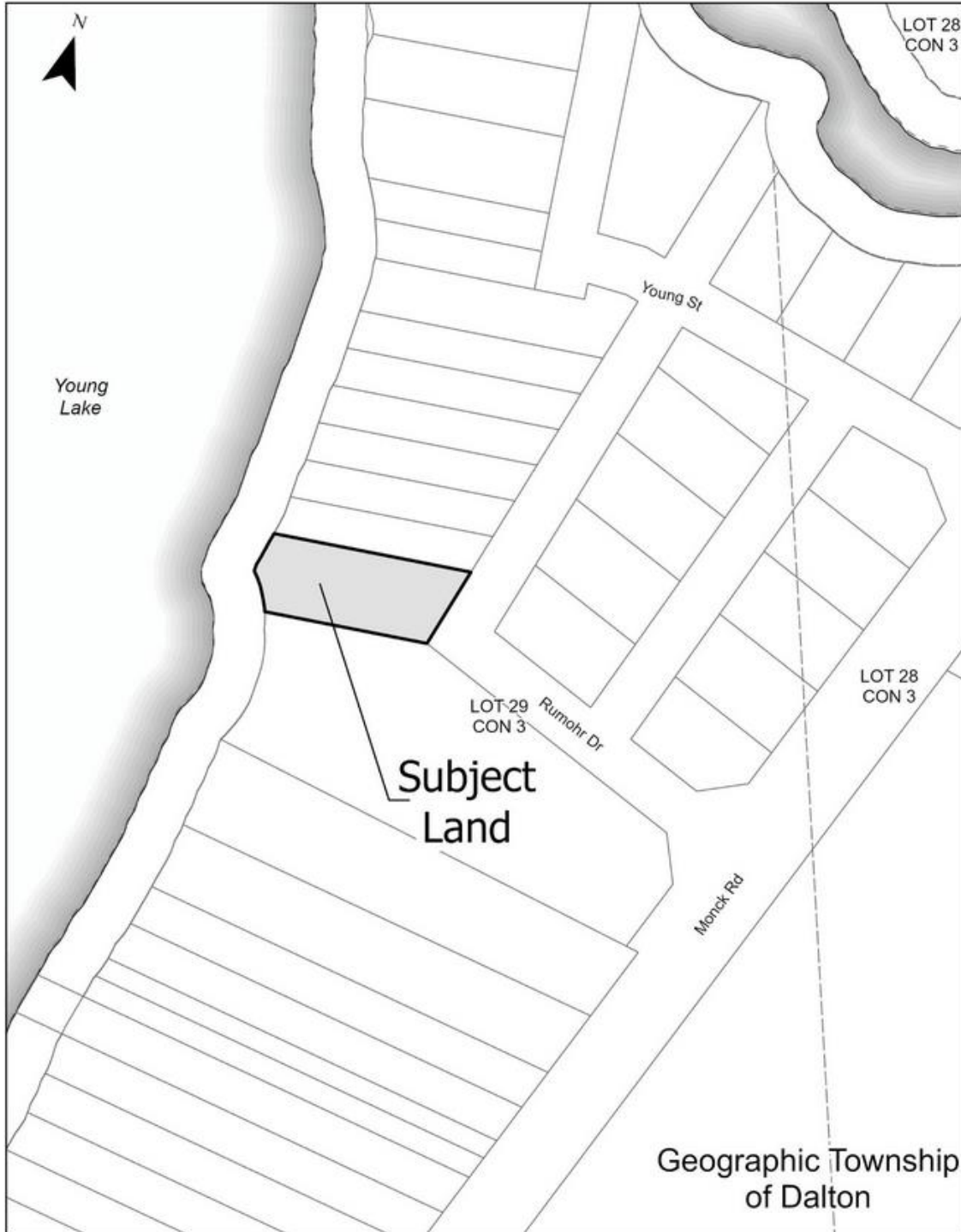
An accessory building shall only be erected in a side or rear yard and shall comply with the following requirements:

An accessory building may be erected not closer than 1.2 metres from a rear lot line and 1.2 metres from the side lot line nor closer to a flanking street than the required front yard setback for the zone in which it is located and shall not be closer than 1.2 metres to a residential building.

to

LOCATION MAP

D20-2024-095



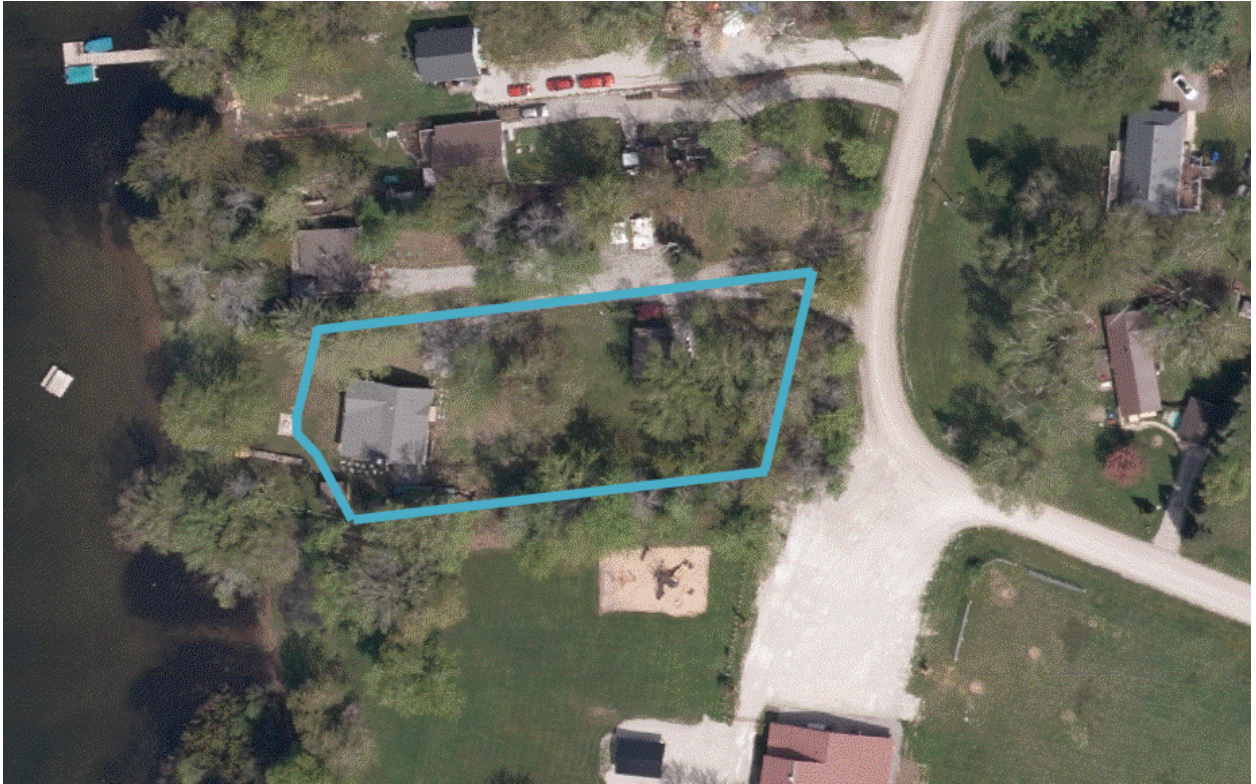
APPENDIX " B "

to

REPORT COA2024-103

FILE NO: D20-2024-095

AERIAL PHOTO



to

APPLICANT'S SKETCH

